

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SIGNAL HOUND, INC.,

Plaintiff,

v.

EXPANDABLE SOFTWARE, INC.,

Defendant.

CASE NO. C21-5448 BHS

ORDER DENYING AS MOOT  
DEFENDANT'S MOTION TO  
DISMISS

This matter comes before the Court on Defendant Expandable Software, Inc.'s motion to dismiss. Dkt. 10.

On July 6, 2021, Expandable moved to dismiss Plaintiff Signal Hound, Inc.'s complaint. *Id.* On July 29, 2021, the parties informed the Court that they stipulated to allow Signal Hound to file an amended complaint by September 13, 2021. Dkts. 12 (Expandable's reply), 13 (Signal Hound's response). Indeed, Signal Hound has since filed its amended complaint, Dkt. 14, and Expandable has now moved to dismiss the amended complaint, Dkt. 17.

It is well established that an "amended complaint supersedes the original, the latter being treated thereafter as non-existent." *Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1474

1 (9th Cir. 1997) (internal citation omitted), *overruled on other grounds by Lacey v.*  
2 *Maricopa Cnty.*, 693 F.3d 896, 927–28 (9th Cir. 2012). Where a motion to dismiss targets  
3 a complaint that has been superseded by an amended complaint, the court should deem  
4 the motion to dismiss moot. *Ramirez v. Cnty. of San Bernardino*, 806 F.3d 1002, 1008  
5 (9th Cir. 2015). Upon the filing of Signal Hound’s amended complaint, Expandable’s  
6 motion to dismiss the initial complaint became moot. Accordingly, Expandable’s motion  
7 to dismiss, Dkt. 10, is **DENIED as moot**.

8 **IT IS SO ORDERED.**

9 Dated this 13th day of October, 2021.

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12 BENJAMIN H. SETTLE  
13 United States District Judge  
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